

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC NIACT IMMEDIATE 6836
INFO AMEMBASSY PANAMA

C O N F I D E N T I A L SECTION 1 OF 2 BOGOTA 2335
C O R R E C T E D C O P Y (GARBLED PARA 3 SUB PARA 2)
FOR DAVID COX ARA/AND
E.O. 11652: GDS
TAGS: PBOR, PN, CO
SUBJECT: EFFECT OF PANAMA CANAL TREATIES ON 1914 THOMSON-
URRUTIA TREATY

REF: STATE 054438

1. ON MARCH 6, THE EMBASSY PRESENTED IN DRAFT THE TEXT OF THE
NOTE CONTAINED IN REFTEL TO THE FOREIGN MINISTRY. THAT AFTERNOON
COLONEL LONDONO, CHIEF OF THE FOREIGN MINISTRY'S FRONTIER DIVISION
CALLED ON THE AMBASSADOR. POLL COUNSELOR WAS ALSO PRESENT AT MEETING.

2. LONDONO TOLD THE AMBASSADOR THAT THE FOREIGN MINISTER FOUND
"UNACCEPTABLE" THE TWO REFERENCES IN THE FIRST PARR OF THE NOTE
TO THE EFFECT THAT THE THOMSON-URRUTIA TREATY WILL REMAIN IN
FORCE, AND THAT THE TRANSIT RIGHTS OF COLOMBIA WILL CONTINUE, UNTIL
DECEMBER 31, 1999. LONDONO SAID THIS WOULD IMPLY THAT THEY
WOULD NOT BE IN EFFECT AFTER THAT DATE. THE GOC WISHED TO
LEAVE THIS POINT MOOT AND AVOID ANY SUCH MENTION. LONDON WAS
THEN ADVISED THAT THE FOREIGN MINISTRY SHOULD SUGGEST CHANGES
IN THE FIRST PARA TO ADDRESS ITS CONCERN. THE AMBASSADOR ALSO
TOLD LONDONO THAT ANY SUCH NOTE FROM THE U.S. TO THE GOC WOULD
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BE A UNILATERAL NOTE TO WHICH THERE WOULD BE NO COLOMBIAN REPLY
BEYOND AN ACKNOWLEDGEMENT OF THE NOTE'S RECEIPT. LONDONO
UNDERSTOOD AND ACCEPTED THIS.

3. ON MARCH 8, COLONEL LONDONO DELIVERED TO THE EMBASSY A
NEW DRAFT OF A NOTE THE GOC DESIRED TO RECEIVE FROM THE U.S
AN UNOFFICIAL TRANSLATION OF THIS NOTE FOLLOWS:

"MR. MINISTER:

I HAVE THE HONOR TO INFORM YOUR EXCELLENCY OF THE UNDER-
STANDING OF MY GOVERNMENT ON THE FOLLOWING SUBJECT:

A. IN THE JOINT DECLARATION SIGNED THE 24TH OF MARCH
1975 IN PANAMA CITY, THE GOVERNMENT OF PANAMA AGREED THAT ONCE
THE NEW CANAL TREATY WITH THE UNITED STATES WAS SIGNED, IT WOULD
BE PREPARED TO REACH AN AGREEMENT WITH THE REPUBLIC OF COLOMBIA
WITH THE INTENTION OF GRANTING THE FOLLOWING BENEFITS:

1. THE TRANSIT THROUGH THE PANAMA CANAL OF THE NATURAL
AND INDUSTRIAL PRODUCTS OF COLOMBIA, AS WELL AS ITS MAILS, FREE
FROM ANY CHARGE OR DUTY OTHER THAN THOSE WHICH ON EQUAL TERMS
APPLY TO PRODUCTS AND MAILS OF THE REPUBLIC OF PANAMA.

2. COLOMBIAN NATIONALS WHO TRANSIT THE INTEROCEANIC
PANAMANIAN ROUTE SHALL, UPON PRODUCTION OF PROPER PROOF OF
THEIR NATIONALITY, BE EXEMPT FROM THE IMPOSITION OF TOLLS, TAXES
OR PAYMENTS WHICH ARE NOT APPLICABLE TO PANAMANIAN NATIONALS.

3. THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA SHALL
BE AT LIBERTY AT ALL TIMES TO TRANSPORT THROUGH THE INTEROCEANIC
CANAL ITS TROOPS, SHIPS AND MATERIALS OF WAR WITHOUT PAYMENT
OF ANY TOLL.

B. IN THE SAME DOCUMENT THE REPUBLIC OF COLOMBIA STATED THAT ONCE
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PANAMA HAD REACHED AN AGREEMENT WITH THE U.S. ON A NEW CANAL
TREATY AND HAD EXCHANGED THE INSTRUMENTS OF RATIFICATION OF THE
AGREEMENT WHICH IS REFERRED TO IN THE CITED DECLARATION, IT
WOULD RENOUNCE, FROM THE MOMENT THAT THE REPUBLIC OF PANAMA
ASSUMES CONTROL OF THE INTEROCEANIC PASSAGE, ALL RIGHTS GRANTED
BY THE TREATY WITH RESPECT TO APPROPRIATE MATERIALS OF THE
EXCLUSIVE JURISDICTION OF THE REPUBLIC OF PANAMA.

C. IN THE NOTES EXCHANGED BETWEEN THE GOVERNMENTS OF THE
REPUBLICS OF COLOMBIA AND PANAMA ON NOVEMBER 30, 1977 IT WAS
EXPRESSED THAT THE POINTS MADE BY THE GOVERNMENT OF COLOMBIA IN
PARAGRAPH 3 OF THE CITED DECLARATION SHALL ONLY HAVE EFFECT
FOLLOWING THE EXCHANGE OF INSTRUMENTS OF RATIFICATION OF THE
PANAMA CANAL TREATIES AND OF THE AGREEMENT WHICH IS REFERRED
TO IN PARAGRAPH 2 OF THE CITED DECLARATION, AS OF NOON PANAMA
TIME DECEMBER 31, 1999
MY GOVERNMENT UNDERSTANDS THAT IN AGREEMENT WITH THE NOTES
AND DECLARATIONS CITED, THE REPUBLIC OF COLOMBIA, MEANWHILE
WILL CONTINUE EXERCISING IN THE PANAMA CANAL THE FOLLOWING RIGHTS:

1. THE TRANSPORT AT ALL TIMES THROUGH THE INTEROCEANIC
CANAL OF ITS TROOPS, MATERIALS OF WAR AND SHIPS OF WAR WITHOUT

PAYMENT OF ANY DUTY TO THE U.S.

2. THE PRODUCTS OF THE SOIL AND INDUSTRY OF COLOMBIA WHICH PASS THROUGH THE CANAL, AS WELL AS THE COLOMBIAN MAILS, SHALL BE EXEMPT FROM ANY PAYMENT OR DUTY EXCEPT THOSE TO WHICH THE PRODUCTS AND MAILS OF THE U.S. MAY BE SUBJECT. ANY WORK OR MODIFICATION WHICH IS EFFECTED IN THE CANAL WILL NOT AFFECT THE ABOVE CITED RIGHTS OF THE REPUBLIC OF COLOMBIA REGARDING THE INTEROCEANIC CANAL."

4. AT THE AMBASSADOR'S INSTRUCTION, POL COUNSELOR CALLED LONDONO, EXPRESSED HIS SURPRISE AT TOTAL DEPARTURE FROM TEXT OF DEPARTMENT'S NOTE, AND GAVE AS HIS UNOFFICIAL OPINION THAT SUCH A NOTE WOULD, EVEN IF ACCEPTABLE TO THE U.S., ENTAIL A CONFIDENTIAL

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CONSIDERABLE DELAY IN OBTAINING THE DEPARTMENT'S APPROVAL OR COMMENTS. IN VIEW OF THE FOREIGN MINISTER'S DESIRE FOR SPEED IN THIS MATTER, IT WOULD BE DESIRABLE IF THE COLOMBIANS WOULD PROPOSED A TEXT WHICH ADHERED MORE CLOSELY TO THE CONTENT AND SPIRIT OF THE DEPARTMENT'S PROPOSED NOTE. ON THE MORNING OF MARCH 10, LONDONO SENT A NEW COLOMBIAN DRAFT NOTE TO THE EMBASSY. UNOFFICIAL TRANSLATION OF TEXT FOLLOWS:

"MR. MINISTER:

I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE POSITION OF MY GOVERNMENT IS THAT, IN ACCORDANCE WITH THE TERMS OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL AND THOSE OF THE JOINT DECLARATION SIGNED MARCH 24, 1977, IN PANAMA CITY, THE REPUBLIC OF COLOMBIA WILL CONTINUE TO EXERCISE DURING THE LIFE OF SAID TREATY AND UNTIL

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC NIACT IMMEDIATE 6837
INFO AMEMBASSY PANAMA

C O N F I D E N T I A L SECTION 2 OF 2 BOGOTA 2335

FOR: DAVID COX ARA/AND

THE ENTRY INFO FORCE OF THE AGREEMENT REFERRED TO IN THE NOTES EXCHANGED BY THE GOVERNMENTS OF COLOMBIA AND PANAMA ON NOVEMBER 30, 1977, THE FOLLOWING RIGHTS IN REGARD TO THE INTEROCEANIC PASSAGE:

1. THE TRANSPORTATION AT ALL TIMES THROUGH THE INTER-OCEANIC CANAL OF ITS TROOPS, MATERIALS OF WAR AND SHIPS OF WAR WITHOUT PAYING ANY DUTY TO THE UNITED STATES.
2. THE PRODUCTS OF THE SOIL AND THE INDUSTRY OF COLOMBIA WHICH PASS THROUGH THE CANAL, AS WELL AS THE COLOMBIAN MAILS, WILL BE EXEMPT FROM ALL PAYMENTS OR DUTIES, OTHER THAN THOSE TO WHICH THE PRODUCTS AND MAILS OF THE UNITED STATES MAY BE SUBJECT. ANY WORKS OR MODIFICATION WHICH MAY BE EFFECTED IN THE CANAL WILL NOT AFFECT THE ABOVE CITED RIGHTS OF THE REPUBLIC OF THE GOVERNMENT OF COLOMBIA IN REGARD TO THE INTEROCEANIC CANAL."

5. LONDONO CALLED POL COUNSELOR MARCH 10 ABOUT THIS LAST NOTE AND CONVEYED THE FOLLOWING POINTS FROM FOREIGN MINISTER LIEVANO: THIS DRAFT NOTE WOULD BE THE LAST THAT THE FOREIGN MINISTER WOULD SEND TO THE EMBASSY. THE FOREIGN MINISTER WOULD LIKE A FAVORABLE RESPONSE TO THIS NOTE AS SOON AS POSSIBLE, SPECIFICALLY NOT LATER THAN MONDAY, MARCH 13. IN THE ABSENCE OF A REPLY BY CONFIDENTIAL

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MARCH 13, THE FOREIGN MINISTER WOULD CABLE INSTRUCTIONS TO THE COLOMBIAN EMBASSY IN WASHINGTON. LONDONO COULD GIVE NO INKLING AS TO THE CONTENT OF THESE INSTRUCTIONS, EXCEPT THAT THE FOREIGN MINISTER HAD MENTIONED THEM IN CONNECTION WITH THE ANTICIPATED SENATE VOTE ON MARCH 16 ON THE TREATY ON THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL.

6. COMMENT: THERE IS AN IMPLIED THREAT IN LIEVANO'S REMARKS, AS CONVEYED BY LONDONO, THAT THE GOC MIGHT MAKE SOME DIRECT MOVE IN WASHINGTON TO PROTECT WHAT IT PERCEIVES AS ITS INTERESTS IN THE CANAL. LIEVANO MAY BE MOTIVATED, AT LEAST IN PART, BY PUBLIC CRITICISMS FROM OPPOSITION CONSERVATIVES THAT PRESIDENT LOPEZ HAS RENOUNCED COLOMBIA'S RIGHTS IN THE CANAL. ALTHOUGH SUCH CHARGES HAVE NOT BEEN VOICED PUBLICALLY FOR SOME MONTHS, LOPEZ AND LIEVANO MIGHT WELL STILL BE REACTING TO THEM. IT SEEMS DOUBTFUL THAT THE GOC WOULD DEPART FROM THE DISCREET CHANNEL IT HAS THUS FAR EMPLOYED IN ORDER TO PROTECT ITS PERCEIVED INTERESTS,

ALTHOUGH THIS CANNOT BE COMPLETELY EXCLUDED.
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